

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 2520 - HB 2790**

March 4, 2022

**SUMMARY OF BILL:** Authorizes a person to petition for expunction if the person has not been arrested in seven years.

**FISCAL IMPACT:**

**Increase Local Revenue – \$640,000/FY22-23 and subsequent years.**

Assumptions:

- Pursuant to Tenn. Code Ann. § 40-32-101(a)(1)(A), a person who has been charged with a misdemeanor or a felony is authorized to petition the court for expunction of records without cost to the person, if:
  - The charge has been dismissed;
  - A no true bill was returned by a grand jury; or
  - The person was arrested and released without being charged.
- The proposed legislation adds that a person is authorized to petition for expunction if the person has not been arrested in seven years.
- There is an average of at least 64,000 expunctions processed each year.
- The number of individuals eligible to petition for expunction as a result of the proposed legislation is unknown. It is reasonably assumed there will be a 10 percent increase in petitions for expunction or 6,400 (64,000 x 10.0%).
- Pursuant to Tenn. Code Ann. § 8-21-401(d)(3), the court clerk is authorized to charge a fee up to \$100 for expungements.
- Public Chapter 200 of 2019 removed the \$180 fee for an individual petitioning the court for an expunction of certain criminal offenses and the \$350 fee for a defendant applying for expunction of an offense following the completion of a diversion program.
- The total increase in local government revenue is estimated to be \$640,000 (6,400 x \$100) in FY22-23 and subsequent years.
- Any increase in workload to the courts can be accomplished within existing resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The script is cursive and fluid.

Krista Lee Carsner, Executive Director

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